

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**Michael McCole,
Petitioner,**

vs.

1:04-cv-261

**PA Board of Probation
& Parole,
Respondent.**

(M.J. Baxter)

**MOTION FOR EXTENSION OF TIME TO FILE
AMENDED PETITION FOR WRIT OF HABEAS CORPUS**

**AND NOW, comes pro-se petitioner Michael McCole who respectfully
avers:**

**Petitioner filed a Motion to Amend his Petition for Writ of Habeas Corpus
seeking the Court's permission to include an additional issue within the
pending Petition for Writ of Habeas Corpus whose merits have yet to be ruled
on.**

**The additional subject issue of the Motion to Amend is a due process claim
relating to Respondent's role in the 1996 -- 2001 Federal Department of
Justice's Violent Offender Incarceration/Truth-In-Sentencing Incentive
Grant Program.**

When Petitioner filed the Motion to Amend, there was no attached copy

of the actual proposed Amendment. This fact apparently has inspired a good deal of procedural confusion.

An Order of Court, dated 7/29/05, was electronically issued granting Petitioner the opportunity to file his Amendment. Unfortunately, Petitioner did not receive a copy of this Order until well after its date of issuance.

In the interim, Respondent filed an Answer to the Amended Petition For Writ of Habeas Corpus and Petitioner began to draft a Traverse to the Answer but it became readily apparent that Respondent filed its Answer based only on the Motion to Amend. As stated above, the actual Amendment was never drafted, served nor filed with the Court.

Petitioner is still desirous of filing the Amendment to the Petition for Writ of Habeas Corpus. Petitioner is apologetic for the role that he has played in the confusion attending the Motion to Amend.

This Motion is not intended to delay these proceedings nor cause undue prejudice to Respondent.

WHEREFORE, based on the foregoing, Petitioner prays in relief that he be given until November 15, 2005 to serve and file the Amendment to the Petition for Writ of Habeas Corpus.

Respectfully submitted,

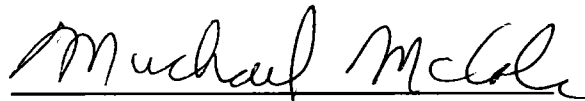
Michael Mc Goh

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the forgoing Motion for Extension of Time to File Amended Petition For Writ of Habeas Corpus was served upon the below named person and in the manner indicated below:

SERVICE BY FIRST CLASS MAIL ADDRESSED AS FOLLOWS

**Rodney Torbic
Deputy Attorney General
Office of the Attorney General
564 Forbes Avenue
Pittsburgh, PA 15219**

A handwritten signature in black ink, appearing to read "Michael McCole", is written over a horizontal line.

**Michael McCole
AS 0521
111 Altamont Blvd.
Frackville, PA 17931**

Dated: September 23, 2005.